

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE	)	PDC CASE NO: #01-201
WITH RCW 42.17	)	
	)	REPORT OF INVESTIGATION
BETHEL SCHOOL DISTRICT	)	
	)	
Respondent.	)	
_____	)	

I.

BACKGROUND

- 1.1 On March 30, 2001, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Bethel School District for its failure to allow public inspection of employee payroll deduction authorizations for WEA-PAC contributions.

II.

SCOPE

- 2.1 Staff reviewed complaint letter received March 30, 2001.
- 2.2 Staff reviewed the response received May 10, 2001 from William A. Coats, attorney for the Bethel School District.
- 2.3 Staff interviewed Karen Campbell, Payroll Manager for the Bethel School District.
- 2.4 Staff reviewed the Bethel School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office for the 2000-01 school year.
- 2.5 Staff reviewed the 2000-01 school year APA Blue Cross WEA dues billing statements for Bethel School District certificated employees.

III.

LAW

3.1 RCW 42.17.680 states in part:

- (3) **No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.**
- (4) **Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

IV.

FINDINGS

- 4.1 On March 30, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Bethel School District. **(Exhibit 1)** Lund's complaint alleges that a representative of the Evergreen Freedom Foundation (EFF) visited the Bethel School District's Payroll Office (District) on March 29, 2001 and requested to see the payroll deduction authorizations for WEA-PAC contributions. The complaint alleges that a District employee told the EFF representative that *"the union keeps the forms and that the determination of which employees have WEA-PAC withheld is entirely controlled by the Bethel Education Association officials."*
- 4.2 A response was received on May 11, 2001 from William Coats, attorney for the Bethel School District. **(Exhibit 2)** The response contained a statement from Kathleen Ebert, the District employee who had talked to the EFF representative during the March 29 visit. Coats' response summarized the statement which explained that Ebert referred the EFF representative to the president of the Bethel Education Association because she mistakenly believed that the EFF representative was a District employee who wished to make contributions to WEA-PAC.

- 4.3 Eight employees of the Bethel School District have signed payroll deduction forms authorizing the District to withhold WEA-PAC contributions during the 2000-01 school year. Karen Campbell, Payroll Manager for the District, received the payroll deduction forms “at the beginning of the year” from the Bethel Education Association. **(Campbell interview)** None of the 2000-01 WEA-PAC contributions were withheld before the District received a signed authorization. No WEA-PAC contributions are being withheld from employees’ wages without authorization.
- 4.4 The District admits that it did not allow public inspection of payroll deduction authorizations for WEA-PAC contributions. That failure, however, stemmed from a misunderstanding between the requestor and District personnel. Campbell had left the office for lunch. In Campbell’s absence, District employees Kathleen Ebert and Marilyn Pethick mistakenly believed that the EFF representative was a District employee who wished to complete a payroll deduction authorization for WEA-PAC contributions. They explained that they did not have the forms and referred her to the president of the Bethel Education Association. The EFF representative then asked to see a form that was already filled out. Ebert told the EFF representative that she could not release personal information. **(Exhibit 2, p. 3)** Campbell stated that if a request for public inspection occurred now, the requestor would be allowed to view the deduction authorizations. “*We have [payroll deduction authorizations for WEA-PAC contributions] in a file that they could look at if they wanted to.*” **(Campbell interview)**

Respectfully submitted this 7th day of August, 2001.

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Lori Anderson  
Political Finance Specialist

#### EXHIBITS LIST

- Exhibit 1** Complaint letter received March 30, 2001.
- Exhibit 2** Response letter received May 11, 2001, from William Coats, attorney for the Bethel School District.